



Dkt. 0687/74768-AAA/JPW/GJG/JRM

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Michael Wayne Graham et al.

Serial No. : 10/821,726

Examiner : Vivlemore, Tracey A.

Filed : April 8, 2004

Art Unit : 1635

For : SYNTHETIC GENES AND GENETIC CONSTRUCTS

1185 Avenue of the Americas  
New York, New York 10036  
September 5, 2008

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT AS A SUBMISSION UNDER 37 C.F.R. § 1.114(c)**  
**AND PETITION FOR A TWO-MONTH EXTENSION OF TIME**

Applicants submitted a May 2, 2008 Notice of Appeal and a May 2, 2008 Petition For A Three-Month Extension Of Time in response to the November 6, 2007 Final Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. The United States Patent and Trademark Office received the May 2, 2008 Notice of Appeal on May 5, 2008. Based on the date of receipt of the May 2, 2008 Notice of Appeal, an appeal brief or a Request for Continued Examination (RCE) was originally due July 5, 2008. Applicants hereby petition under 37 C.F.R. § 1.136(a) for a two-month extension of time. The fee for a two-month extension of time under 37 C.F.R. § 1.17(a)(2) is four hundred and sixty dollars (\$460.00) and a check including this amount is enclosed. With a two-month extension of time, an appeal brief or Request for Continued Examination (RCE) is due September 5, 2008.

Applicants are concurrently submitting a Request for Continued Examination (RCE). Therefore, this Amendment is a submission

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under 37 C.F.R. § 1.114(c) accompanying that Request for Continued Examination (RCE). Accordingly, this Amendment is being timely filed.

**Amendments to the Claims** begin on page 3 of this paper.

**Remarks** begin on page 7 of this paper.

Please amend the subject application as follows: